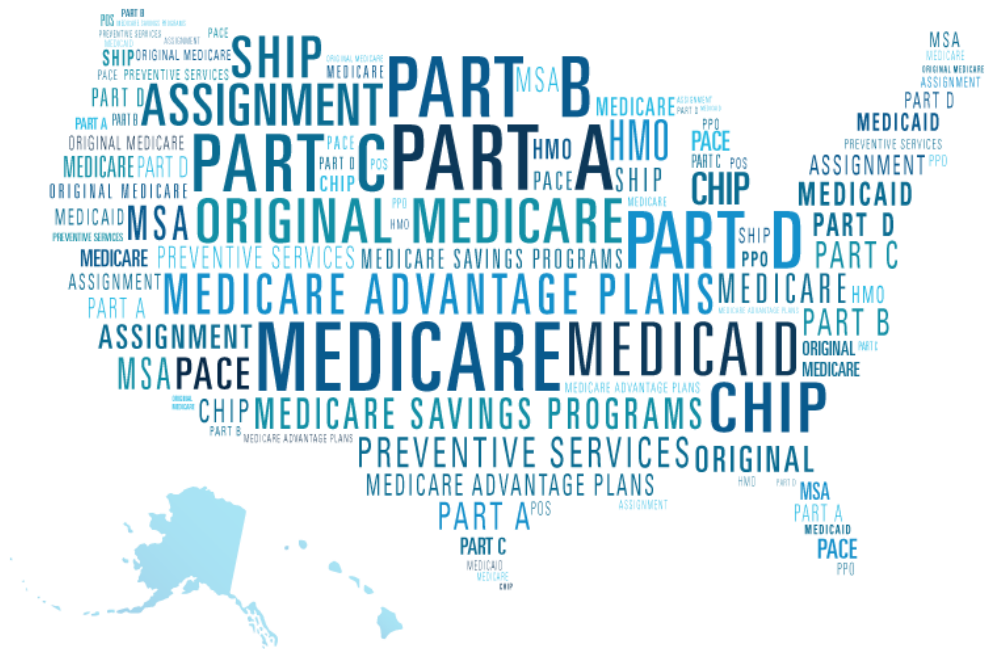


2014 National Training Program

Workbook

Module: 2 Medicare Rights and Protections



**Centers for Medicare & Medicaid Services
National Training Program
Instructor Information Sheet**

Module 2 - Medicare Rights and Protections

Module Description

The lessons in this module explain the rights and protections afforded to Medicare beneficiaries whether they are enrolled in Original Medicare, a Medicare Advantage Plan (like a Health Maintenance Organization or Preferred Provider Organization), other Medicare health plan (like a Medicare Cost Plan or Program of All-Inclusive Care for the Elderly), or a Medicare Prescription Drug Plan.

The materials—up-to-date and ready-to-use—are designed for information givers/trainers familiar with the Medicare program who would like to have prepared information for presentations.

Objectives

- Explain Medicare rights and protections
- Summarize Medicare privacy practices
- Locate additional information and resources

Target Audience

This comprehensive module is designed for presentation to trainers and other information givers.

Time Considerations

The module consists of 62 PowerPoint slides with corresponding speaker's notes, activities, and quiz questions. It has a resource guide and National Training Program (NTP) contact slide to reference. It can be presented in 50 minutes. Allow approximately 20 more minutes for discussion, questions, and answers. Additional time may be added for add-on activities.

Course Materials

Materials are self-contained within the module. This module contains eight Check Your Knowledge questions that give participants the opportunity to apply the module concepts in a real-world setting. Additional slides display as the NTP summary slide with email contact and Appendix. Appendices A–D may be used as full-sized handouts for the Advance Beneficiary Notice of Non-coverage covered in slide 19, and various appeals charts from slides 16, 23, and 37.

Module 2: Medicare Rights and Protections

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2014 National Training Program



Module 2

Medicare Rights and Protections

Module 2, “Medicare Rights and Protections,” explains the rights and protections afforded to you whether you enrolled in Original Medicare, a Medicare Advantage Plan (like a Health Maintenance Organization or Preferred Provider Organization), other Medicare health plan (like a Medicare Cost Plan or Program of All-Inclusive Care for the Elderly), or a Medicare Prescription Drug Plan.

This training module was developed and approved by the Centers for Medicare & Medicaid Services (CMS), the federal agency that administers Medicare, Medicaid, the Children’s Health Insurance Program (CHIP), and the Federally-facilitated Health Insurance Marketplace. The information in this module was correct as of May 2014.

To check for an updated version of this training module, visit cms.gov/outreach-and-education/training/cmsnationaltrainingprogram/training-library.html.

This set of CMS National Training Program materials isn’t a legal document. Official Medicare program legal guidance is contained in the relevant laws, regulations, and rulings.

Session Objectives

- This session will help you
 - Explain Medicare rights and protections
 - Explain rights in certain health care settings
 - Summarize Medicare privacy practices
 - Locate additional information and resources

05/01/2014

Medicare Rights and Protections

This session will help you to understand the rights and protections available to all people with Medicare:

- Explain specific Medicare rights and protections for people with Medicare
- Explain rights in certain health care settings
- Summarize Medicare privacy practices
- Locate additional information and resources

Lesson 1 — Medicare Rights

- Guaranteed rights for everyone with Medicare
 - Specific rights in
 - A. Original Medicare
 - B. Medicare Advantage and other Medicare health plans
 - C. Medicare Prescription Drug Plans
- In general, these rights
 - Protect you when you get health care
 - Protect you against unethical practices
 - Make sure you get medically-necessary services
 - Protect your privacy

05/01/2014

Medicare Rights and Protections

Lesson 1, “Medicare Rights,” explains that no matter how you get your Medicare, you have certain guaranteed rights and protections. We’ll provide information on additional rights that are specific to how you choose to get your Medicare coverage.

- A. Original Medicare
- B. Medicare Advantage and other Medicare health plans
- C. Medicare Prescription Drug Coverage

Your Medicare rights and protections are designed to

- Protect you when you get health care
- Protect you against unethical practices
- Make sure you get the medically-necessary health care services that the law says you can get
- Protect your privacy

Your Medicare Rights

- Be treated with dignity and respect
- Be protected from discrimination
 - Race, color, national origin
 - Disability
 - Age
 - Religion
 - Sex
 - If you think you haven't been treated fairly
 - Visit hhs.gov/ocr
 - Call the Office for Civil Rights at 1-800-368-1019
 - TTY users should call 1-800-537-7697

05/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To be treated with dignity and respect at all times
- To be protected from discrimination
 - Discrimination is against the law. Every company or agency that works with Medicare must obey the law, and can't treat you differently because of your
 - Race, color, or national origin
 - Disability
 - Age
 - Religion
 - Sex

These protections are generally limited to complaints of discrimination filed against providers of health care and social services who receive federal financial assistance.

If you think you haven't been treated fairly for any of these reasons, call the U.S. Department of Health and Human Services, Office for Civil Rights, at 1-800-368-1019, or visit hhs.gov/ocr. TTY users should call 1-800-537-7697.

Medicare and Your Information Rights

- Have personal and health information kept private
- Get information in a way you understand from
 - Medicare
 - Health care providers
 - Contractors (under certain circumstances)

05/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To have your personal and health information kept private.
 - To learn more about this right
 - If you have Original Medicare, see the “Notice of Privacy Practices for Original Medicare” in your “Medicare & You” handbook. To view or download, visit medicare.gov/pubs/pdf/10050.pdf (you may also order a copy).
 - If you have a Medicare Advantage Plan, other Medicare health plan, or a Medicare Prescription Drug Plan, read your plan materials.
- To get information in a way you understand from
 - Medicare
 - Health care providers
 - Under certain circumstances, contractors

Medicare Rights — Available Help

- Get information to help you make decisions
 - What is covered
 - What Medicare pays
 - How much you have to pay
 - What to do to file a complaint or an appeal
- Have questions about Medicare answered
 - Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048
 - Call your State Health Insurance Assistance Program

05/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To get understandable information about Medicare to help you make health care decisions, including: what is covered, what Medicare pays, how much you have to pay, and what to do if you want to file a complaint or an appeal.
- To have your Medicare questions answered.
- Visit medicare.gov.
- Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.
- Call your State Health Insurance Assistance Program (SHIP). To get the most up-to-date SHIP phone numbers, visit medicare.gov/contacts, or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

Need more information?

Call your plan if you're in a Medicare Advantage Plan, other Medicare health plan, or a Medicare Prescription Drug Plan and you have questions about how they cover items, services, or medications.



Medicare Rights and Access to Care

- Have access to doctors, specialists, hospitals
- Learn about your treatment choices
 - In clear language
 - Participate in treatment decisions
- Health care services
 - In a language you understand
 - In a culturally-sensitive way
- Emergency care when and where you need it
 - If your health is in danger, and emergency help is needed, call 911

05/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To have access to doctors, specialists, and hospitals.
- To learn about your treatment choices in clear language that you can understand, and participate in treatment decisions. If you can't fully participate in your treatment decisions, ask a family member, friend, or anyone you trust to help you make a decision about what treatment is right for you.
- To get health care services in a language you understand and in a culturally-sensitive way.
 - For more information about getting health care services in languages other than English, visit hhs.gov/ocr, or call the Office for Civil Rights at 1-800-368-1019. TTY users should call 1-800-537-7697.
- To get emergency care when and where you need it.
 - If your health is in danger because you have a bad injury, sudden illness, or an illness quickly gets worse, call 911. You can get emergency care anywhere in the United States.

Need more information?

To learn about Medicare coverage of emergency care

- In Original Medicare, call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.
- In a Medicare Advantage Plan or other Medicare health plan, review your plan materials.



Medicare Rights — Claims and Appeals

- Have a claim for payment filed with Medicare
- Get decisions about
 - Health care payment
 - Coverage of services
 - Prescription drug coverage
- Get an appeal (review) of the decisions above

05/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To have a claim for payment filed with Medicare and get a decision about health care payment, coverage of services, or prescription drugs, even when your doctor says that Medicare won't pay for a certain item or service.
 - When a claim is filed, you get a notice from Medicare letting you know what will and won't be covered. This might be different from what your doctor says. If you disagree with Medicare's decision on your claim, you have the right to appeal.
- To appeal if you disagree with a decision about your health care payment, coverage of services, or prescription drug coverage.
 - For more information about appeals, visit [medicare.gov/appeals](https://www.medicare.gov/appeals).
 - For help with filing an appeal, call the State Health Insurance Assistance Program (SHIP) in your state. To get the most up-to-date SHIP phone numbers, visit [medicare.gov/contacts](https://www.medicare.gov/contacts) or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.
 - If you have a Medicare Advantage Plan, other Medicare health plan, or a Medicare Prescription Drug Plan, read your plan materials.

Medicare Grievance Rights

- File complaints (also called grievances)
 - Including complaints about the quality of care
 - In Original Medicare, call the Quality Improvement Organization (QIO)
 - In Medicare Advantage or other Medicare plan, call your plan, the QIO, or both

06/01/2014

Medicare Rights and Protections

If you have Medicare, you have the following rights:

- To file complaints (also called grievances) about services you got, other concerns or problems you have in getting health care, and the quality of the health care you received.
- If you're concerned about the quality of care you're getting
 - In Original Medicare, call the Quality Improvement Organization (QIO) in your state to file a complaint. Visit medicare.gov/contacts to get your QIO's phone number, or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.
 - In a Medicare Advantage or other Medicare health plan, call the QIO, your plan, or both. If you have End-Stage Renal Disease (ESRD) and have a complaint about your care, call the ESRD network in your state. To get the phone number, visit medicare.gov/contacts or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

Check Your Knowledge—Question 1



All people with Medicare have the right to be protected from discrimination based on race, color, national origin, disability, age, sex and which of the following?

- a. Religion
- b. Where they live
- c. Their language



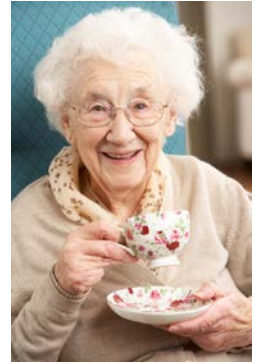
Refer to page 67 to check your answers.

Check Your Knowledge—Question 2



An appeal and a grievance are the same thing.

- a. True
- b. False



Refer to page 67 to check your answers.

A. Your Rights in Original Medicare

- See any Medicare participating doctor or specialist
- Go to any Medicare-certified hospital
- Get information when Medicare isn't expected to pay or doesn't pay
 - Notices
 - Appeal rights

05/01/2014

Medicare Rights and Protections

Your rights when you are enrolled in Original Medicare include the following:

- The right to see any Medicare participating doctor or specialist (including women's health specialists)
- Go to any Medicare-certified hospital
- Get certain information, such as notices and appeal rights, that helps you resolve issues when Medicare isn't expected to pay or doesn't pay for health care

Medigap Rights in Original Medicare

- Buy a private Medicare Supplement Insurance (Medigap) policy
 - Guaranteed issue rights in your Medigap Open Enrollment Period where insurance company
 - Can't deny you Medigap coverage
 - Can't place conditions on coverage
 - Must cover preexisting conditions
 - Can't charge more because of past or present health problems
 - Some states give additional rights

05/01/2014

Medicare Rights and Protections

Your rights when you are enrolled in Original Medicare include the following:

- Buy a Medicare Supplement Insurance (Medigap) policy
 - In some situations, you have the right to buy a Medigap policy. A Medigap policy is a health insurance policy sold by private insurance companies to fill the gaps in Original Medicare coverage, such as coinsurance amounts.
 - Medigap policies must follow federal and state laws that protect you. The front of the Medigap policy must clearly identify it as “Medicare Supplement Insurance.”
 - Medigap insurance companies in most states (except Massachusetts, Minnesota, and Wisconsin) can only sell you a “standardized” Medigap policy. These policies are identified by the letters A, B, C, D, F, G, K, L, M, and N.
 - The benefits in any Medigap plan identified with the same letter are the same regardless of which insurance company you purchase your policy from.
 - You have the right to buy a Medigap policy during your Medigap open enrollment period. While the insurance company can't make you wait for your coverage to start, it may be able to make you wait for coverage of a preexisting condition.

When you have guaranteed issue rights, the Medigap plan

- Can't deny you Medigap coverage or place conditions on your policy
- Must cover you for preexisting conditions
- Can't charge you more for a policy because of past or present health problems

Some states offer additional rights to purchase Medigap policies.

NOTE: Module 3, “Medigap (Medicare Supplement Insurance)” describes these situations.

Appeal Rights in Original Medicare

- File an appeal if
 - A service or item isn't covered
 - And you think it should have been
 - Payment for a service or item is denied
 - And you think Medicare should have paid for it
 - You question the amount Medicare paid for a service

05/01/2014

Medicare Rights and Protections

In Original Medicare, you have the right to a fair, timely, and efficient appeals process.

You can file an appeal if

- A service or item you got isn't covered and you think it should have been
- Payment for a service or item is denied and you think Medicare should have paid for it
- You question the amount that Medicare paid for a service

How to Appeal in Original Medicare

- Medicare Summary Notice will tell you
 - Why Medicare didn't pay
 - How to appeal
 - Where to file your appeal
 - How long you have to appeal
- Collect information that may help your case
- Keep a copy of everything you send to Medicare

05/01/2014

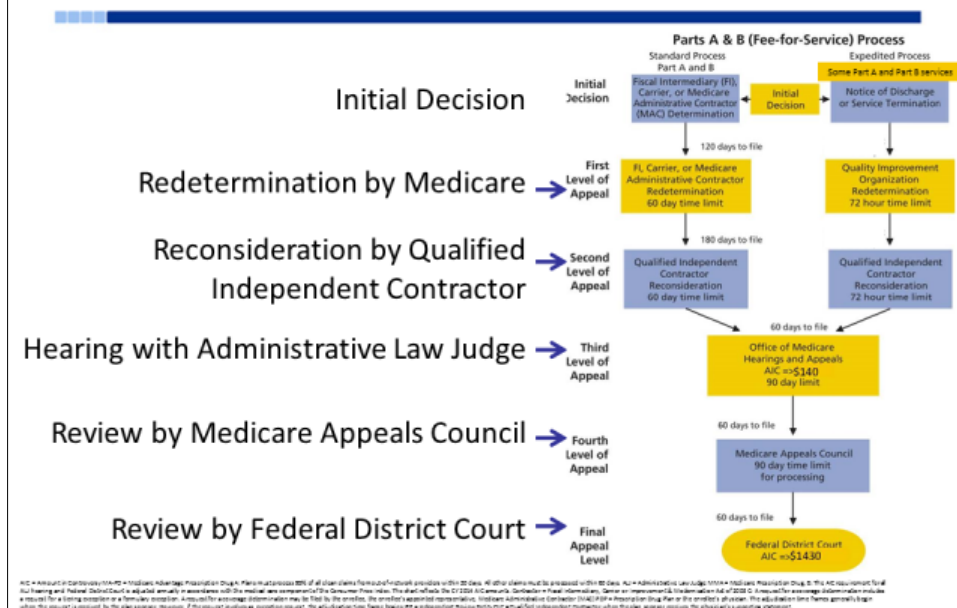
Medicare Rights and Protections

In Original Medicare, when providers and suppliers bill Medicare, you'll get a Medicare Summary Notice. This notice will tell you

- Why Medicare didn't pay
- How to appeal
- Where to file your appeal
- How much time you have to file an appeal

If you decide to appeal, ask your doctor, health care provider, or durable medical equipment supplier for any information that may help your case. Keep a copy of everything you send to Medicare as part of your appeal.

Original Medicare Appeals Process



There are five levels in the appeals process in Original Medicare. Look at the job aid section of your resource card or the Centers for Medicare & Medicaid Services National Training Program website at cms.gov/outreach-and-education/training/cmsnationaltrainingprogram/index.html for a chart of the Parts A, B, C, and D appeals processes.

There is a standard process and an expedited [fast] process. It is important to note that for an expedited appeal, a provider must decide to terminate services or discharge you.

1. **Redetermination by the company that handles claims for Medicare within 120 days** from the date you get the “Medicare Summary Notice” (MSN). Details are on the MSN.
2. **Reconsideration by a Qualified Independent Contractor** (a contractor that didn’t take part in the first decision). Details are included in the redetermination notice.
3. **Contact your Quality Improvement Organization** no later than noon the day before Medicare-covered services end to request a fast appeal.
4. **Hearing before an Administrative Law Judge (ALJ)** The amount of your claim must meet a minimum dollar amount, which is updated yearly: \$140 in 2014. Send the request to the ALJ office listed in the reconsideration notice.
5. **Review by the Medicare Appeals Council (MAC).** Details on how to file are included in the ALJ’s hearing decision. There’s no minimum dollar amount to get your appeal reviewed by the MAC.
6. **Review by a federal district court.** To get a review by a federal court, the remaining amount in controversy of your case must meet a minimum dollar amount, which is updated yearly: \$1,430 in 2014.

NOTE: See Appendix A for a full-size copy of the Original Medicare (Parts A and B) Appeals Process chart.

Fast Appeals in Original Medicare

- Ask your provider for information related to your case
- Call the Quality Improvement Organization
 - To request a fast [expedited] appeal
 - No later than listed on the notice
- If you miss the deadline
 - You still have appeal rights

05/01/2014

Medicare Rights and Protections

You may ask your doctor or health care provider for any information that may help your case if you decide to file a fast [expedited] appeal.

You must call your local Quality Improvement Organization (QIO) to request a fast appeal no later than noon on the day before your notice says your coverage will end.

- The number for the QIO in your state should be on your notice. You can also call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If you miss the deadline, you still have appeal rights:

- If you have Original Medicare, call your local QIO.
- If you are in a Medicare Advantage Plan, call your plan. Look in your plan materials to get the phone number.

Need more information?

Contact your local State Health Insurance Assistance Program (SHIP) if you need help filing an appeal. You can find SHIP contact information for your state at medicare.gov. Visit the “Medicare Helpful Contacts” page at medicare.gov/contacts/ and select your state or U.S. territory from the drop-down list.



Types of Liability Notices for People With Original Medicare

- Advance Beneficiary Notice of Non-coverage
- Skilled Nursing Facility Advance Beneficiary Notice
- Hospital Issued Notice of Non-coverage

05/01/2014

Medicare Rights and Protections

There are three primary types of liability notices for people with Original Medicare. These notices explain that you may be liable for the cost of certain services under certain conditions. The notices include

- **Advance Beneficiary Notice of Non-coverage (ABN)** – Used by providers and suppliers of Medicare Part B (Medical Insurance) items and services. It is also used by hospices and religious nonmedical health care institutes providing Medicare Part A (Hospital Insurance) items and services.

There are other types of liability notices for people with Original Medicare that are used in specific health care settings. Like ABN, these notices explain that you may be liable for the cost of certain services under certain conditions. These notices include

- **Skilled Nursing Facility Advance Beneficiary Notice** - only used for skilled nursing facility care
- **Hospital Issued Notice of Non-coverage** - used for inpatient hospital care when the hospital thinks Medicare may not pay for some or all of your care

You can view or print these notices at [cms.gov/bni/](https://www.cms.gov/bni/).

Original Medicare Protection From Unexpected Bills

- Advance Beneficiary Notice of Non-coverage
 - Given by health care provider or supplier
 - Says Medicare probably won't pay for an item or service
 - Not required for items or services excluded under law
 - Will ask you to choose whether to get services
 - Will ask you to confirm you read/understood notice

05/01/2014

Medicare Rights and Protections

You are protected from unexpected bills. If your health care provider or supplier believes that Medicare won't pay for certain items or services, in many situations they will give you a notice that says Medicare probably won't pay for an item or service under Original Medicare. This is called an Advance Beneficiary Notice of Non-coverage (ABN). ABN is used by providers and suppliers of Medicare Part B (Medical Insurance) items and services. It is also used by hospice and religious nonmedical health care institutes providing Medicare Part A (Hospital Insurance) items and services.

You will be asked to choose an option on the ABN form and sign it to say that you have read and understand the notice. If you choose to get the items or services listed on ABN, you will have to pay if Medicare doesn't. In some cases, the provider may ask for payment at the time the service is received.

Providers (including independent laboratories), physicians, practitioners, and suppliers will use ABN (Form CMS-R-131) for situations where Medicare payment is expected to be denied because the item or service may not be reasonable and necessary.

Doctors and suppliers aren't required to give you an ABN for services Medicare never covers (i.e., excluded under Medicare law), such as routine eye exams, dental services, hearing aids, and routine foot care; however, they may voluntarily give you an ABN for items and services excluded by Medicare as a courtesy.

Need more information?

See Appendix D for a copy of ABN. It's also available at [cms.gov/medicare/medicare-general-information/bni/abn.html](https://www.cms.gov/medicare/medicare-general-information/bni/abn.html).

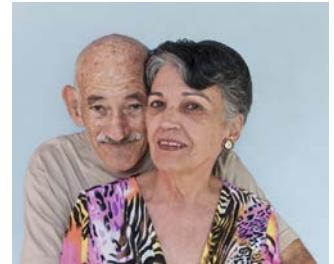


Check Your Knowledge—Question 3



The Advance Beneficiary Notice of Non-coverage is required to be used by all providers for all non-covered Original Medicare services.

- a. True
- b. False



Refer to page 67 to check your answers.

B. Your Rights in Medicare Health Plans

- To choose health care providers within the plan
- To get a treatment plan from your doctor
 - For complex or serious conditions
 - Directly see specialists as often as necessary

05/01/2014

Medicare Rights and Protections

If you're in a Medicare health plan, in addition to the rights and protections previously listed in the first section, you have the following rights:

- To choose health care providers within the plan, so you can get health care you need.
- To get a treatment plan from your doctor if you have a complex or serious medical condition. A treatment plan lets you directly see a specialist within the plan as many times as you and your doctor think you need. Women have the right to go directly to a women's health care specialist without a referral within the plan for routine and preventive health care services.

Coverage and Appeal Rights in Medicare Health Plans

- To know how your doctors are paid
- To get a coverage decision or coverage information
- A fair, efficient, and timely appeals process
 - Five levels of appeal
 - Decision letter sent explaining further appeal rights
 - Automatic review of plan reconsideration
 - By Independent Review Entity
- To file a grievance about concerns or problems

05/01/2014

Medicare Rights and Protections

If you're in a Medicare health plan, you have the following rights:

- To know how your doctors are paid. Medicare doesn't allow a plan to pay doctors in a way that interferes with you getting needed care.
- To find out from your plan, before you get a service or supply, if it'll be covered. You can call your plan to get information about your coverage rules.
- A fair, efficient, and timely appeals process to resolve differences with your plan. You have the right to ask your plan to provide or pay for an item or service you think should be covered, provided, or continued.
 - The appeals process consists of five levels.
 - If coverage is denied at any appeal level, the enrollee will receive a letter explaining the decision and instructions on how to proceed to the next appeal level.
 - If the plan continues to deny coverage at the reconsideration level, the appeal is automatically sent to the Part C (Medicare Advantage) Independent Review Entity.
 - To file a grievance about other concerns or problems with your plan, check your plan's membership materials, or call your plan to find out how to file a grievance.

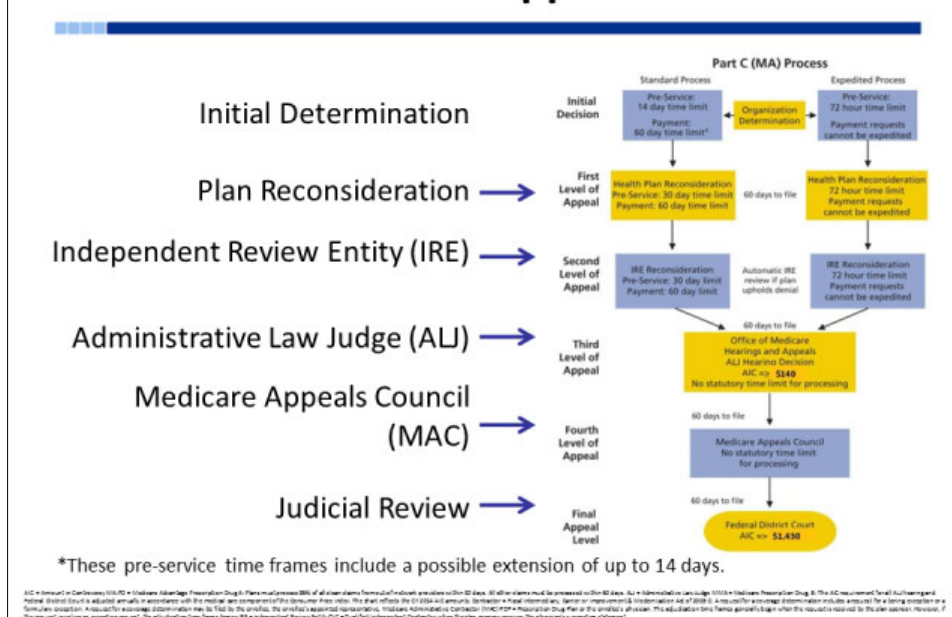
Need more information?

See "Medicare Rights & Protections" (CMS Product No. 11534) for more details:

[medicare.gov/Publications/Pubs/pdf/11534.pdf](https://www.medicare.gov/Publications/Pubs/pdf/11534.pdf)



Medicare Part C Appeals Process



This chart shows the appeals process for Medicare Advantage Plan or other Medicare health plan enrollees. The time frames differ depending on whether you're requesting a standard appeal, or if you qualify for an expedited [fast] appeal.

If you ask your plan to provide or pay for an item or service and your request is denied, you can appeal the plan's initial decision (the "organization determination"). You'll get a notice explaining why your plan denied your request and instructions on how to appeal your plan's decision.

There are five levels of appeal. If you disagree with the decision made at any level of the process, you can go to the next level if you meet the requirements for doing so.

After each level, you'll get instructions on how to proceed to the next level of appeal. The five levels of appeal are

- Reconsideration by the plan
- Reconsideration by the Independent Review Entity
- Hearing with the Administrative Law Judge
- Review by the Medicare Appeals Council
- Review by a federal district court

Need more information?

See Appendix B for a full-size copy of the Part C (Medicare Advantage) Appeals Process chart.



Rights When Filing Medicare Health Plan Appeals

- Right to access your case file
 - Call or write your plan
 - Plan may charge you a reasonable fee for
 - Copying
 - Mailing
- Right to present evidence to support your case
- Right to expedited appeal
 - When supported by a doctor

05/01/2014

Medicare Rights and Protections

If you're in a Medicare Advantage or other Medicare health plan and you're filing an appeal, you have certain rights. You may want to call or write your plan and ask for a copy of your case file. To get the phone number or address of your plan, look at your "Evidence of Coverage," or the notice you received that explained why you could not get the services you requested.

The plan may charge you a fee for copying this information and sending it to you. Your plan should be able to give you an estimate of how much it'll cost based on the number of pages in the file, plus normal mail delivery.

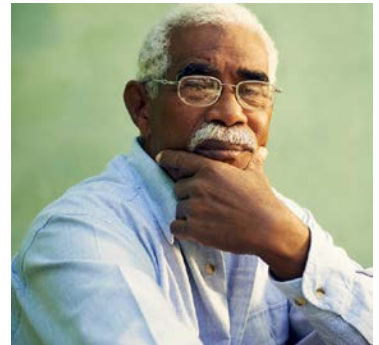
You also have the right to an expedited appeal when your request is supported by a doctor, or when applying the standard appeal time frame could seriously jeopardize your life or health, or your ability to regain maximum function.

Check Your Knowledge—Question 4



If you join a Medicare Advantage Plan, you have fewer rights than in Original Medicare when making an appeal.

- a. True
- b. False



Refer to page 68 to check your answers.

C. Medicare Prescription Drug Coverage (Part D) Rights — Access to Covered Drugs

- Must ensure enrollees can get drugs they need
- Must include more than one drug in each classification
- Must pay for brand-name as well as generic drugs
- May have rules for managing access

05/01/2014

Medicare Rights and Protections

Medicare drug plans work to provide people with Medicare high-quality, cost-effective drug coverage. Medicare drug plans must ensure that their enrollees can get medically-necessary drugs to treat their conditions.

Each plan has a list of covered drugs called a formulary. A plan's formulary may not include every drug you take. However, in most cases, a similar drug that is safe and effective will be available.

Plans must pay for both brand-name and generic drugs. Covered drugs include prescription drugs, biological products, and insulin. Medical supplies associated with the injection of insulin, such as syringes, needles, alcohol swabs, and gauze are also covered.

Some of the methods that plans use to manage access to certain drugs include prior authorization, step therapy, and quantity limits, which we'll discuss in this section.

Required Coverage — Part D

- Medicare drug plans must cover all drugs in six protected categories
 - Cancer medications
 - Human immunodeficiency virus infection/acquired immunodeficiency syndrome (*HIV/AIDS*) treatments
 - Antidepressants
 - Antipsychotic medications
 - Anticonvulsive treatments
 - Immunosuppressants
- All commercially available vaccines
 - Except those covered under Part B (e.g., flu shot)

05/01/2014

Medicare Rights and Protections

Medicare drug plans must cover all drugs in six categories to treat certain conditions:

- Cancer medications
- Human immunodeficiency virus infection/acquired immunodeficiency syndrome (HIV/AIDS) treatments
- Antidepressants
- Antipsychotic medications
- Anticonvulsive treatments for epilepsy and other conditions
- Immunosuppressants

Also, Medicare drug plans must cover all commercially available vaccines, including the shingles vaccine, but not vaccines covered under Part B (Medical Insurance), such as the flu and pneumococcal pneumonia shots. You or your provider can contact your Medicare drug plan for more information about vaccine coverage.

Formulary

- A list of prescription drugs covered by the plan
- May have tiers that cost different amounts

Tier Structure Example		
Tier	You Pay	Prescription Drugs Covered
1	Lowest copayment	Most generics
2	Medium copayment	Preferred, brand name
3	High copayment	Non-preferred, brand name
Specialty	Highest copayment or coinsurance	Unique, very high cost

05/01/2014

Medicare Part D

Each Medicare drug plan has a list of prescription drugs that it covers called a formulary. Each formulary must include a range of drugs in the prescribed categories and classes. To offer lower costs, many plans place drugs into different tiers, which cost different amounts. Each plan can form its tiers in different ways.

Here's an example of how a plan might form its tiers:

- **Tier 1 – Generic drugs** (the least expensive) – A generic drug is the same as its brand-name counterpart in safety, strength, quality, the way it works, how it's taken, and the way it should be used. Generic drugs use the same active ingredients as brand-name drugs. Generic drug makers must prove that their product performs the same way as the corresponding brand-name drug; they're also less expensive because of market competition. Generic drugs are thoroughly tested and must be approved by the U.S. Food and Drug Administration. Today, almost half of all prescriptions in the United States are filled with generic drugs. In some cases, there may not be a generic drug available for the brand-name drug you take. Talk to your prescriber.
- **Tier 2 – Preferred brand-name drugs** - Tier 2 drugs cost more than Tier 1 drugs.
- **Tier 3 – Non-preferred brand-name drugs** - Tier 3 drugs cost more than Tier 2 drugs.
- **Specialty Tier** – These drugs are unique and have a high cost.

NOTE: In some cases, if your drug is in a higher (more expensive) tier and your prescriber thinks you need that drug instead of a similar drug on a lower tier, you can request an exception and ask your plan for a lower copayment.

Transition Supply — Part D

- Plans must fill prescriptions not on plan's formulary
 - For new enrollees
 - For residents of long-term care facilities
- Immediate supply provided to new enrollee
 - Fill one-time, 30-day supply of current prescription
- While using transition supply
 - Work with doctor to switch to drug on plan's formulary
 - If medically necessary, request an exception
 - Don't wait until supply runs out to take action

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Medicare Rights and Protections

Some new plan members may already be taking a drug that's not on their plan's drug list or that is a step-therapy drug. Medicare requires the plans to provide a standard 30-day transition supply of all Medicare-covered drugs, even if the prescription is for a drug that's not on the plan's drug list, is a step-therapy drug, or requires prior authorization. This gives you and your doctor time to find another drug on the plan's drug list that would work as well. However, if you have already tried similar drugs and they didn't work, or if the doctor believes that because of your medical condition you must take a certain drug, the doctor can contact the plan to request an exception to the formulary rules. If the doctor's request is approved, the plan will cover the drug. If the exception is not granted, you can file an appeal.

It's important to understand how to work with your plan's formulary and to plan ahead. If you receive a transition supply, you shouldn't wait until that supply is gone to take action. You should talk to your doctor about

- Prior authorization (if necessary)
- Safe and effective alternative drugs that may also save you money
- Requesting an exception, if necessary for your condition

You should contact your drug plan with any questions about what's covered by the plan.

NOTE: In most cases with step therapy drugs, the plan member must try certain less-expensive drugs first.

Request a Part D Coverage Determination

- A coverage determination is the initial decision made by a plan
 - Which benefits you're entitled to get
 - How much you have to pay for a benefit
- You, your prescriber, or your appointed representative can request it
- Time frames for coverage determination request
 - May be standard (decision within 72 hours)
 - May be expedited (decision within 24 hours)
 - If life or health may be seriously jeopardized

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Medicare Rights and Protections

A coverage determination is the first decision made by your Medicare drug plan (not the pharmacy) about your prescription drug benefits. This includes whether a certain drug is covered, whether you have met all the requirements for getting a requested drug, and how much you must pay for a drug.

You, your prescriber, or your appointed representative can ask for a coverage determination by calling your plan or writing them a letter. If you write to the plan, you can write a letter or use the "Model Coverage Determination Request" form found at: cms.gov/medicare/appeals-and-grievances/medprescriptdrugapplgriev/forms.html.

There are two types of coverage determinations: standard or expedited. Your request will be sped up [expedited] if the plan determines, or if your doctor tells the plan that your life or health may be seriously jeopardized by waiting for a standard request.

A plan must give you its coverage determination decision as quickly as your health condition requires. After getting your request, the plan must give you its decision no later than 72 hours for a standard determination, or 24 hours for an expedited determination. If your coverage determination request involves an exception, the time clock starts when the plan gets your doctor's supporting statement.

If a plan fails to meet these time frames, it must automatically forward the request and case file to the Independent Review Entity (IRE) for review, and the request will skip over the first level of appeal (redetermination by the plan). The IRE is MAXIMUS. You can find its contact information at medicarepartdappeals.com.

Request an Exception

- Two types of exceptions
 - Tier exceptions
 - Formulary exceptions
- Need supporting statement from prescriber
- You, your appointed representative, or prescriber can make requests

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Medicare Rights and Protections

An exception is a type of coverage determination. There are two types of exceptions: tier exceptions (such as getting a Tier 3 drug at the Tier 2 cost) and formulary exceptions (either coverage for a drug not on the plan's formulary, or relaxed access requirements).

If you want to make an exception request, you'll need a supporting statement from the prescriber. In general, the statement must point out the medical reason for the exception. The prescriber may give the statement verbally or in writing.

NOTE: If you choose to have a representative help you with a coverage determination or appeal, you and the person you want to help you must fill out the Appointment of Representative form (Form CMS-1696). You can get a copy of the form at [cms.gov/cmsforms/downloads/cms1696.pdf](https://www.cms.gov/cmsforms/downloads/cms1696.pdf). You can also appoint a representative with a letter signed and dated by you and the person helping you, but the letter must have the same information that's requested on the Appointment of Representative form. You must send the form or letter with your coverage determination or appeal request.

Formulary Exceptions — Part D

- Access to Medicare-covered drugs
 - Not included on the plan's formulary, or
 - Plan has special coverage rules
 - Prior authorization
 - Quantity limits
 - Step therapy
- Plan can determine the level of cost sharing

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Medicare Rights and Protections

Formulary exceptions ensure enrollees have access to Medicare-covered drugs that are not included on the plan's formulary or for which the plan has special coverage rules. These special rules include prior authorization, quantity limits, and step therapy.

When a formulary exception is approved, the plan has the flexibility to determine the level of cost sharing that will apply for the non-formulary drug(s). For example, a plan sponsor may apply the non-preferred level of cost sharing for all non-formulary drugs approved under the exception process.

Rules Plans Use to Manage Access to Drugs	
Prior Authorization	<ul style="list-style-type: none"> ▪ Doctor must contact plan for prior approval and show medical necessity before the drug will be covered
Step Therapy	<ul style="list-style-type: none"> ▪ Type of prior authorization ▪ Must first try similar, less expensive drug ▪ Doctor may request an exception if <ul style="list-style-type: none"> • Similar, less expensive drug didn't work, or • Originally prescribed step therapy drug is medically necessary
Quantity Limits	<ul style="list-style-type: none"> ▪ Plan may limit drug quantities over a period of time for safety and/or cost ▪ Doctor may request an exception if additional amount is medically necessary
<div>05/01/2014</div> <div>Medicare Part D</div>	

Medicare drug plans manage access to covered drugs in several ways, including prior authorization, step therapy, and quantity limits.

You may need drugs that require prior authorization. This means before the plan will cover a particular drug, your doctor or other prescriber must first show the plan you have a medically-necessary need for that particular drug. Plans also do this to be sure you're using these drugs correctly. Contact your plan about its prior authorization requirements, and talk with your prescriber.

Step therapy is a type of prior authorization. In most cases, you must first try a certain less-expensive drug on the plan's drug list that has been proven effective for most people with your condition before you can move up a step to a more expensive drug. For instance, some plans may require that you first try a generic drug (if available), then a less expensive brand-name drug on their drug list before you can get coverage for a similar, more expensive brand-name drug.

However, if you've already tried a similar, less expensive drug that didn't work, or if the doctor believes that because of your medical condition it's medically necessary to take a step therapy drug (the drug the doctor originally prescribed), you (with your doctor's help) can contact the plan to request an exception. If the request is approved, the plan will cover the originally prescribed step therapy drug.

For safety and cost reasons, plans may limit the quantity of drugs they cover over a certain period of time. If your prescriber believes that, because of your medical condition, a quantity limit isn't medically appropriate, you or your prescriber can contact the plan to ask for an exception. If the plan approves your request, the quantity limit won't apply to your prescription.

Formulary Exceptions - Continued

- Plan must grant a formulary exception if
 - All formulary alternatives aren't as effective and/or
 - Would have adverse effects
- Plan must grant an exception to a coverage rule
 - Coverage rule has been, or is likely to be, ineffective in treating the enrollee's condition, or
 - Has caused, or is likely to cause, harm to enrollee

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Medicare Rights and Protections

A plan must grant a formulary exception when it determines that none of the formulary alternatives for treatment of the same condition would be as effective for the enrollee as the non-formulary drug and/or would have an adverse effect. A plan must grant an exception to a coverage rule when it determines the coverage rule has been, or is likely to be, ineffective in treating the enrollee's condition, or has caused, or is likely to cause, harm to the enrollee.

Part D – Approved Exceptions

- Exception valid for remainder of the year if
 - Member is still enrolled
 - Prescriber continues to prescribe drug
 - Drug stays safe to treat person's condition
- Plan may extend coverage into new plan year
- Plan must notify enrollee in writing
 - If coverage not extended
 - The date coverage will end
 - The right to request a new exception

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Medicare Rights and Protections

If an exception request is approved, the exception is valid for refills for the remainder of the plan year, as long as

- The member remains enrolled in the plan
- The physician continues to prescribe the drug
- The drug remains safe for treating the person's condition

A plan may choose to extend coverage into a new plan year. If it doesn't, it must provide written notice to the member either at the time the exception is approved, or at least 60 days before the plan year ends. The written notice must tell the member about the date coverage will end, the right to request a new exception, and the process for making a new exception request. If coverage isn't extended, the member should consider switching to a drug on the plan's formulary, requesting another exception, or changing plans during the Medicare Open Enrollment Period also known as Open Enrollment.

Requesting Part D Appeals

- If your coverage determination or exception is denied, you can appeal the plan's decision
- In general, you must make your appeal requests in writing
 - Plans must accept verbal expedited requests
- An appeal can be requested by
 - You
 - Your doctor or other prescriber
 - Your appointed representative
- There are five levels of appeals

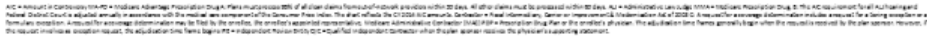
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Medicare Rights and Protections

If you disagree with your Medicare drug plan's coverage determination or exception decision, you have the right to appeal the decision. Your plan's written decision will explain how you may file an appeal. Read this decision carefully and call your plan if you have questions.

In general, you must make your appeal requests in writing. However, plans must accept verbal expedited redetermination requests. In addition, plans may choose to accept verbal standard redetermination requests. Check your plan materials, or contact your plan to see if you can make verbal standard redetermination requests.

You, or your appointed representative, may ask for any level of appeal. However, your doctor or other prescriber can ask for a redetermination or Independent Review Entity reconsideration (level one or two appeal), or an expedited redetermination on your behalf and doesn't have to be your appointed representative.



There are five levels of appeal:

1. Redetermination from the Part D plan (sponsor)
2. Reconsideration by an Independent Review Entity
3. Hearing before an Administrative Law Judge
4. Review by the Medicare Appeals Council
5. Review by a federal district court

Need more information?

See Appendix C for a full-size copy of the Part D (Drug) Appeals Process chart.



Required Part D Notices

- At the pharmacy counter
 - Whenever a prescription isn't filled as written
 - This isn't a coverage decision
- After every coverage determination
- After every appeal decision
- Adverse decisions must
 - Include information on the next appeal level
 - Include specific filing instructions
 - Provide specific reason(s) for denial

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Medicare Rights and Protections

Plan sponsors must ensure that their network pharmacies provide a Pharmacy Notice whenever a prescription can't be filled as written.

Plans' sponsors are required to provide written notices after every coverage determination or appeal decision.

In addition, all other appeal entities are required to send written notice of decisions. If a decision is adverse, the notice will explain the decision, include information on the next appeal level, and provide specific instructions about how to file an appeal.

Provider/Plan Disclosure of Personal Health Information (PHI)

- Plan may disclose relevant PHI to people you identify
 - Family member or other relatives
 - Close personal friend
 - Others (see examples on next slide)
- May disclose relevant PHI only if
 - You're present and agree or plan infers you don't object
 - You're not present or are incapacitated, the plan can exercise professional judgment

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Medicare Rights and Protections

A health care provider or plan, such as a Medicare drug plan, may disclose relevant protected Personal Health Information (PHI) to someone who assists you, specifically regarding your drug coverage. However, the guidance applies to all providers and plans, not just drug plans. It's important to note that health plans are permitted, but not required, to make these disclosures.

Your plan may disclose relevant PHI to those identified by you as being involved in your care or payment, including the following:

- Family members or other relatives
- Close personal friends
- Others (see examples on the next slide)

Your plan may disclose relevant PHI to those identified by you only under the following conditions:

- When you're present and agree or the plan reasonably infers from the circumstances that you don't object
- When you're not present or are incapacitated, the plan may exercise its professional judgment to determine whether disclosure is in your best interest

When Plans May Disclose Personal Health Information

- To a person's adult child
 - To resolve a claim or payment issue for a hospitalized parent
- To a human resources representative
 - If the person is on the call or gives permission by phone
- To a congressional office
 - That faxed your request for congressional assistance
- To the Centers for Medicare & Medicaid Services (CMS) staff
 - If information satisfies the plan you requested CMS's assistance

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Medicare Rights and Protections

A plan may disclose Personal Health Information (PHI) to

- A person's adult child who is resolving a claim or payment issue for a hospitalized parent
- A human resources representative if the person with Medicare is on the line or gives permission by phone
- A congressional office or staff person that has faxed the person's request for congressional assistance
- The Centers for Medicare & Medicaid Services' (CMS's) staff if the available information satisfies the plan that the individual requested CMS's assistance

NOTE: PHI guidelines were published by the Office for Civil Rights, U.S. Department of Health and Human Services.

Check Your Knowledge—Question 5



A drug plan must respond to a standard coverage determination request for medication within

- a. 48 hours
- b. 72 hours
- c. 60 hours



Refer to page 68 to check your answers.

Lesson 2 — Your Rights in Certain Settings

- A brief explanation of your rights
 - In the hospital
 - In a skilled nursing facility
 - When getting home health care
 - When getting hospice care
 - In a Comprehensive Outpatient Rehabilitation Facility

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Medicare Rights and Protections

Lesson 2, “Your Rights in Certain Settings,” explains your guaranteed rights when you’re admitted to a hospital or skilled nursing facility, or you’re receiving care from a non-institutional provider, such as home health, hospice, or a Comprehensive Outpatient Rehabilitation Facility.

Many of these rights and protections are the same whether you’re in Original Medicare, a Medicare Advantage Plan (like a Health Maintenance Organization or Preferred Provider Organization), or other Medicare health plan.

Right to Hospital Care

- Right to medically-necessary Medicare-covered hospital care
 - To diagnose an illness
 - To treat an illness or injury
 - To get follow-up care
- You'll receive a notice when admitted
 - To an inpatient hospital setting
 - An "Important Message From Medicare About Your Rights"

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Medicare Rights and Protections

All people with Medicare, including those in Medicare Advantage or other Medicare health plans, have the right to get all of the Medicare-covered hospital care they need to diagnose and treat their illness or injury, including any follow-up care they need after leaving the hospital.

When admitted to the hospital as an inpatient, you'll receive a notice called an "Important Message From Medicare About Your Rights," and the hospital must provide you with a copy of the notice so that you know your rights as a hospital inpatient.

“Important Message From Medicare”

- Notice signed by you and copy provided
 - Explains your rights to
 - Get all medically-necessary hospital services
 - Be involved in any decision(s)
 - Get services you need after you leave the hospital
 - Appeal discharge decision and steps for appealing decision
 - Circumstances in which your hospital services may be paid for during the appeal

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Medicare Rights and Protections

The “Important Message From Medicare” is a notice you receive after being admitted to the hospital. This notice is signed by you, and a copy is provided to you explaining your rights:

- Get all medically-necessary hospital services
- Be involved in any decision(s)
- Get services you need after you leave the hospital
- Appeal discharge decision and steps for appealing decision
- Circumstances in which your hospital services may be paid for during the appeal

Plan Fast Appeals Process

- “Notice of Medicare Non-coverage”
 - Provider must deliver at least 2 days before care will end
 - Skilled nursing facility, Comprehensive Outpatient Rehabilitation Facility, hospice or home health care will end
- Contact Quality Improvement Organization (QIO) if services are ending too soon
 - See your notice for how to contact your QIO
- QIO must notify you of its decision
 - Close of business the day after receiving information

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Medicare Rights and Protections

With the Medicare Health Plan Fast Appeals Process

- You have the right to ask the Quality Improvement Organization (QIO) to require your plan to provide or pay for a Medicare-covered service you think should be continued in a skilled nursing facility, from a home health agency, hospice, or in a Comprehensive Outpatient Rehabilitation Facility.
- Your provider must deliver a “Detailed Notice of Medicare Non-coverage” at least 2 days before Medicare-covered hospice, skilled nursing facility, Comprehensive Outpatient Rehabilitation Facility, or home health care will end.
- If you think services are ending too soon, contact your QIO no later than noon the day before Medicare-covered services end to request a fast appeal.

See your notice for how to contact your QIO and for other important information.

The QIO must notify you of its decision by close of business of the day after it receives all necessary information.

The plan must give you a “Detailed Explanation of Non-coverage.” This notice will explain why the coverage is being discontinued.

You have the right to ask for a reconsideration by the Qualified Independent Contractor (QIC) if you are dissatisfied with the results of the fast appeal. The QIC is an independent contractor who didn’t take part in the first fast appeal decision. The decision notice that you receive from your first fast appeal will have directions on how to file a request for reconsideration.

Check Your Knowledge—Question 6



The “Important Message From Medicare” is an optional notice provided to a person with Medicare who is admitted to the hospital at the hospital’s discretion.

- a. True
- b. False



Refer to page 68 to check your answers.

Lesson 3 — Medicare Privacy Practices

- A brief explanation of Medicare privacy
 - Practices
 - Notices
 - Required and Permitted Disclosures
 - Rights

05/01/2014

Medicare Rights and Protections

Lesson 3, “Medicare Privacy Practices,” explains Medicare’s privacy practices, notices, required and permitted disclosures, and rights.

“Notice of Privacy Practices”

- Tells you how Medicare
 - Must protect the privacy of your personal health information
 - Uses and discloses your personal medical information
- Describes your rights and how you can exercise them
- Published annually in the “Medicare & You” handbook
- For more information
 - Visit medicare.gov
 - Call 1-800-MEDICARE (1-800-633-4227)
 - TTY users should call 1-877-486-2048



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Medicare Rights and Protections

Medicare is required to protect your personal medical information. The “Notice of Privacy Practices for Original Medicare” describes how Medicare uses and gives out your personal health information and tells you your individual rights. If you’re enrolled in a Medicare Advantage Plan or other Medicare health plan, or in a Medicare Prescription Drug Plan, your plan materials describe your privacy rights.

- The “Notice of Privacy Practices” is published annually in the “Medicare & You” handbook.

Need more information?

For more information, go to medicare.gov or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.



Required Disclosures

- Medicare **must** disclose your medical information
 - To you
 - To someone with the legal right to act for you
 - To the Secretary of Health & Human Services
 - When required by law

05/01/2014

Medicare Rights and Protections

Medicare must disclose your personal medical information

- To you or someone who has the legal right to act for you (your personal representative)
- To the Secretary of Health and Human Services, if necessary, to make sure your privacy is protected
- When required by law

Permitted Disclosures

- Medicare **may** disclose medical information
 - To pay for your health care
 - To operate the program
 - Examples
 - To Medicare contractors to process your claims
 - To ensure you get quality health care
 - To provide you with customer service
 - To resolve your complaints
 - To contact you about research studies

05/01/2014

Medicare Rights and Protections

Medicare may use and give out your personal medical information to pay for your health care and to operate the Medicare Program.

Medicare contractors use your personal medical information to pay or deny your claims, to collect your premiums, to share your benefit payment with your other insurer(s), and to prepare your Medicare Summary Notice.

Medicare may use your personal medical information to make sure you and other people with Medicare get quality health care, to provide customer services to you, to resolve any complaints you have, or to contact you about research studies.

Permitted Disclosures - Continued

- Medicare **may** disclose your medical information
 - To state and federal agencies
 - For public health activities
 - For government oversight
 - For judicial proceedings
 - For law enforcement purposes
 - To avoid a serious threat to health and safety
 - To contact you regarding a Medicare benefit
 - To create a non-traceable collection of information

05/01/2014

Medicare Rights and Protections

Medicare also may use or give out your personal medical information for the purposes shown here, under limited circumstances:

- To state and other federal agencies that have the legal right to receive Medicare data (such as to ensure Medicare is making proper payments and to assist federal/state Medicaid programs)
- For public health activities (such as reporting disease outbreaks)
- For government health care oversight activities (such as fraud and abuse investigations)
- For judicial and administrative proceedings (such as in response to a court order)
- For law enforcement purposes (such as providing limited information to locate a missing person)
- To avoid a serious threat to health or safety
- To contact you regarding a new or changed Medicare benefit
- To create a collection of information that can no longer be traced back to you

Personal Medical Information Authorization

- Written permission (authorization) is required
 - For Medicare to use or give out your personal medical information
 - For any purpose not set out in the “Privacy Notice”
- You may revoke your permission at any time

05/01/2014

Medicare Rights and Protections

By law, Medicare must have your written permission (an “authorization”) to use or give out your personal medical information for any purpose that isn’t set out in this notice. You may take back (“revoke”) your written permission at any time, except if Medicare has already acted based on your permission.

Personal Medical Information Privacy Rights

- See and copy your personal medical information
- Correct medical information you believe is wrong or incomplete
- Know who your medical information was sent to
- Communicate in a different manner
- Ask Medicare to limit use of your medical information
 - To pay your claims and run the program
- Get a written privacy notice

05/01/2014

Medicare Rights and Protections

You have the following privacy rights. You may

- See and copy your medical information held by Medicare.
- Correct any incorrect or incomplete medical information.
- Find out who received your medical information for purposes other than paying your claims, running the Medicare Program, or for law enforcement.
- Ask Medicare to communicate with you in a different manner (e.g., by mail versus by phone) or at a different place (for example, by sending materials to a P.O. Box instead of your home address).
- Ask Medicare to limit how your personal medical information is used and given out to pay your claims and run the Medicare program. Please note that Medicare may not be able to agree to your request.
- Ask for a separate paper copy of these privacy practices.
 - If you want information about the privacy rules, call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.



Need more information?

If you want information about the privacy rules,
call 1-800-MEDICARE (1-800-633-4227).
TTY users should call 1-877-486-2048.

If Privacy Rights Are Violated

- You may file a complaint
 - Call 1-800-MEDICARE (1-800-633-4227)
TTY users should call 1-877-486-2048 or
 - Contact the U.S. Department of Health and Human Services Office for Civil Rights
 - Visit hhs.gov/ocr/office/index.html or
 - Call 1-866-627-7748. TTY users should call 1-800-537-7697.
 - Won't affect your Medicare benefits

05/01/2014

Medicare Rights and Protections

If you believe Original Medicare has violated your privacy rights, you may file a complaint.

You can file a complaint by

- Calling 1-800-MEDICARE (1-800-633-4227) and asking to speak with a customer service representative. TTY users should call 1-877-486-2048.
- Contacting the U.S. Department of Health and Human Services Office for Civil Rights at hhs.gov/ocr/hipaa or by calling 1-866-627-7748. TTY users should call 1-800-537-7697.

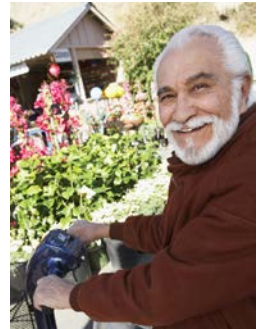
Your complaint won't affect your benefits under Medicare.

Check Your Knowledge—Question 7



Medicare may disclose your medical information at will, in whole or part, for any purpose.

- a. True
- b. False



Refer to page 69 to check your answers.

Lesson 4 — Medicare Rights and Protections Resources

- Advance Directives
- Medicare Ombudsman
- Other sources for information about Medicare rights and protections

05/01/2014

Medicare Rights and Protections

Lesson 4, “Medicare Rights and Protections Resources,” explains other relevant information and resources that are available to help you find information about your Medicare rights and protections.

- Advance Directives
- Medicare Ombudsman
- Other sources for information about Medicare rights and protections

Advance Directives

- Protect yourself
- Let people know your wishes now
 - Should a time come when you can't speak for yourself
- Complete a "health care advance directive"
 - Identifies who you want to speak for you
 - What kind of health care you want
 - What kind of health care you don't want

05/01/2014

Medicare Rights and Protections

As people live longer, there is a greater chance that they may not be able to make their own health care decisions at some point in time. Alzheimer's and other diseases affect your ability to make health care decisions.

Making future health care decisions is another health care protection available to anyone, not just people with Medicare. Check for your state's requirements.

Advance directives are legal documents that allow you to put in writing what kind of health care you would want if you were too ill to speak for yourself. Advance directives most often include a health care proxy (durable power of attorney), a living will, and after-death wishes.

Talking with your family, friends, and health care providers about your wishes is important, but these legal documents ensure your wishes are followed. It's better to think about these important decisions before you're ill or a crisis strikes.

A health care proxy (sometimes called a durable power of attorney for health care), is used to name the person you wish to make health care decisions for you if you aren't able to make them yourself. Having a health care proxy is important because if you suddenly aren't able to make your own health care decisions, someone you trust will be able to make these decisions for you.

A living will is another way to make sure your voice is heard. It states which medical treatment you would accept or refuse if your life is threatened. For example, dialysis for kidney failure, a breathing machine if you can't breathe on your own, cardiopulmonary resuscitation (CPR) if your heart and breathing stop, or tube feeding if you can no longer eat.

Medicare Beneficiary Ombudsman

- Reports to Congress
- Works to ensure people with Medicare
 - Get information and help they need
 - Understand their Medicare options
 - Apply their rights and protections
- May identify and track issues
 - Payment policies
 - Coverage policies

05/01/2014

Medicare Rights and Protections

Another protection for people with Medicare is the Medicare Beneficiary Ombudsman, commonly called “Ombudsman.” The Ombudsman program office reports to Congress and works to ensure that people with Medicare get the information and help they need to understand their Medicare options and to apply their rights and protections.

The Ombudsman may identify and track issues and problems in payment and coverage policies, but doesn’t advocate for any increases in program payments or new coverage of services.

How the Ombudsman Helps

- Ensures prompt organization response
 - The Ombudsman can help if you
 - Need help filing an appeal
 - Have a problem joining/leaving a Medicare Advantage Plan
 - Have questions about Medicare premiums
 - Need help understanding your rights/protections

05/01/2014

Medicare Rights and Protections

The Ombudsman works to make sure the organizations that should help you with your complaints, appeals, grievances, or questions about Medicare work the way they should, and respond to you promptly.

For example, the Ombudsman can help if you

- Need help to file an appeal
- Have a problem joining or leaving a Medicare Advantage Plan (like a Health Maintenance Organization or Preferred Provider Organization) or other Medicare health plan, or a Medicare Prescription Drug Plan
- Have questions about Medicare premiums
- Need help understanding your Medicare rights and protections

Check Your Knowledge—Question 8



A living will is a legal document used to name the person you wish to make health care decisions for you if you aren't able to make them yourself.

- a. True
- b. False



Refer to page 69 to check your answers.

Medicare Rights and Protections Resource Guide		
Resources		Medicare Products
Centers for Medicare & Medicaid Services (CMS) 1-800-MEDICARE (1-800-633-4227) (TTY 1-877-486-2048) medicare.gov medicare.gov/get-help/ombudsman medicare.gov/claims-and-appeals cms.gov/bni (Beneficiary Notice Initiative)	State Quality Improvement Organization * Independent Review Entity (Medicare Advantage & Part D claims only) * State Health Insurance Assistance Programs * U.S. Railroad Retirement Board rrb.gov hhs.gov Medicare Managed Care Manual, Chapter 13, Beneficiary Grievances, Organization Determinations, and Appeals: cms.gov/regulations-and-guidance/guidance/manuals/downloads/mc86c13.pdf	"Medicare & You Handbook" CMS Product No. 10050 "Medicare Rights & Protections" CMS Product No. 11534 To access these products: View and order single copies at medicare.gov . Order multiple copies (partners only) at productordering.cms.hhs.gov . You must register your organization.
Department of Health and Human Services Office for Civil Rights hhs.gov/ocr/office/index.html 1-866-627-7748 1-800-537-7697 for TTY users 05/01/2014		

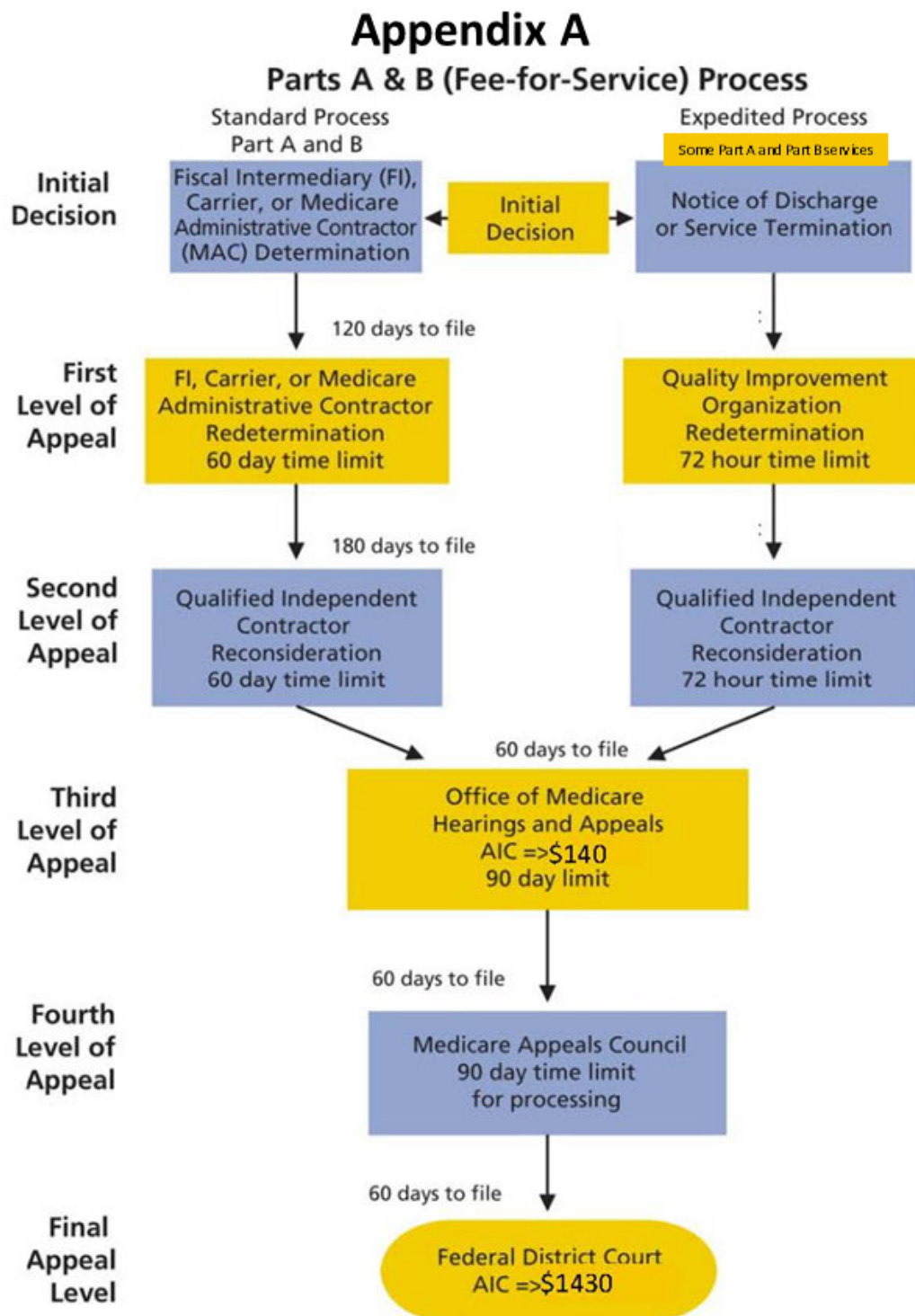
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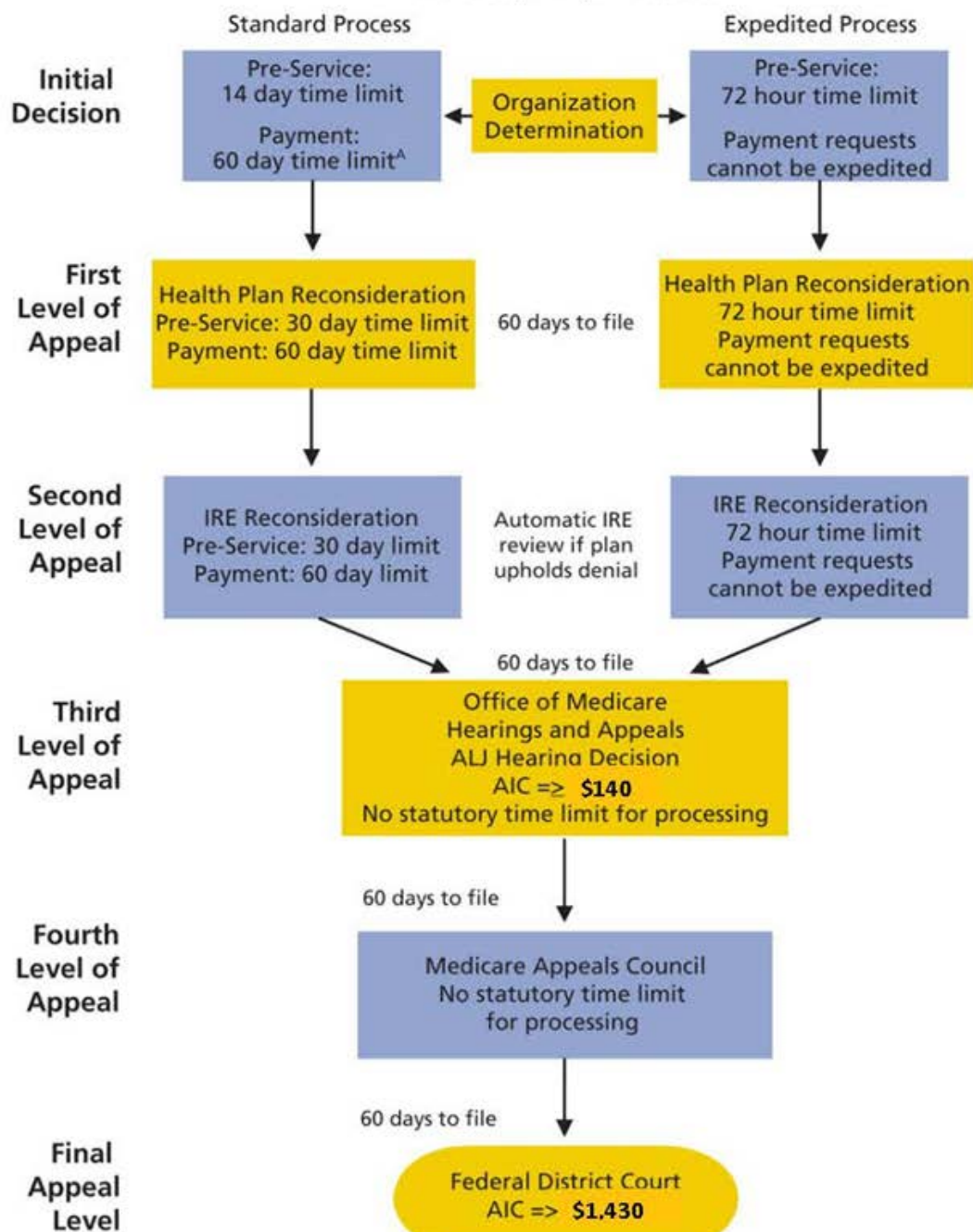


AIC = Amount in Controversy; MA-PD = Medicare Advantage Prescription Drug; Plans must process 90% of all claims for most of network providers within 30 days. All other claims must be processed within 60 days. ALJ = Administrative Law Judge; MUA = Medicare Prescription Drug, Reimbursement and Federal District Court; is adjusted as needed to comply with the medical care component of the Co-payment Priorities. The chart reflects the CY 2014 AIC amounts.

Contractor = Fiscal Intermediary, Carrier or Reimbursement & Modernization Act of 2003; C. A request for a coverage determination includes a request for a time exception on a formulary exception. A request for a coverage determination may be filed by the enrollee, the enrollee's appointed representative, Medicare Administrative Contractor (MAC) or the enrollee's physician. The adjudication time frame generally begins when the request is received by the plan sponsor. However, if the request involves an exception request, the adjudication time frame begins when the plan sponsor receives the physician's supporting statement.

Appendix B

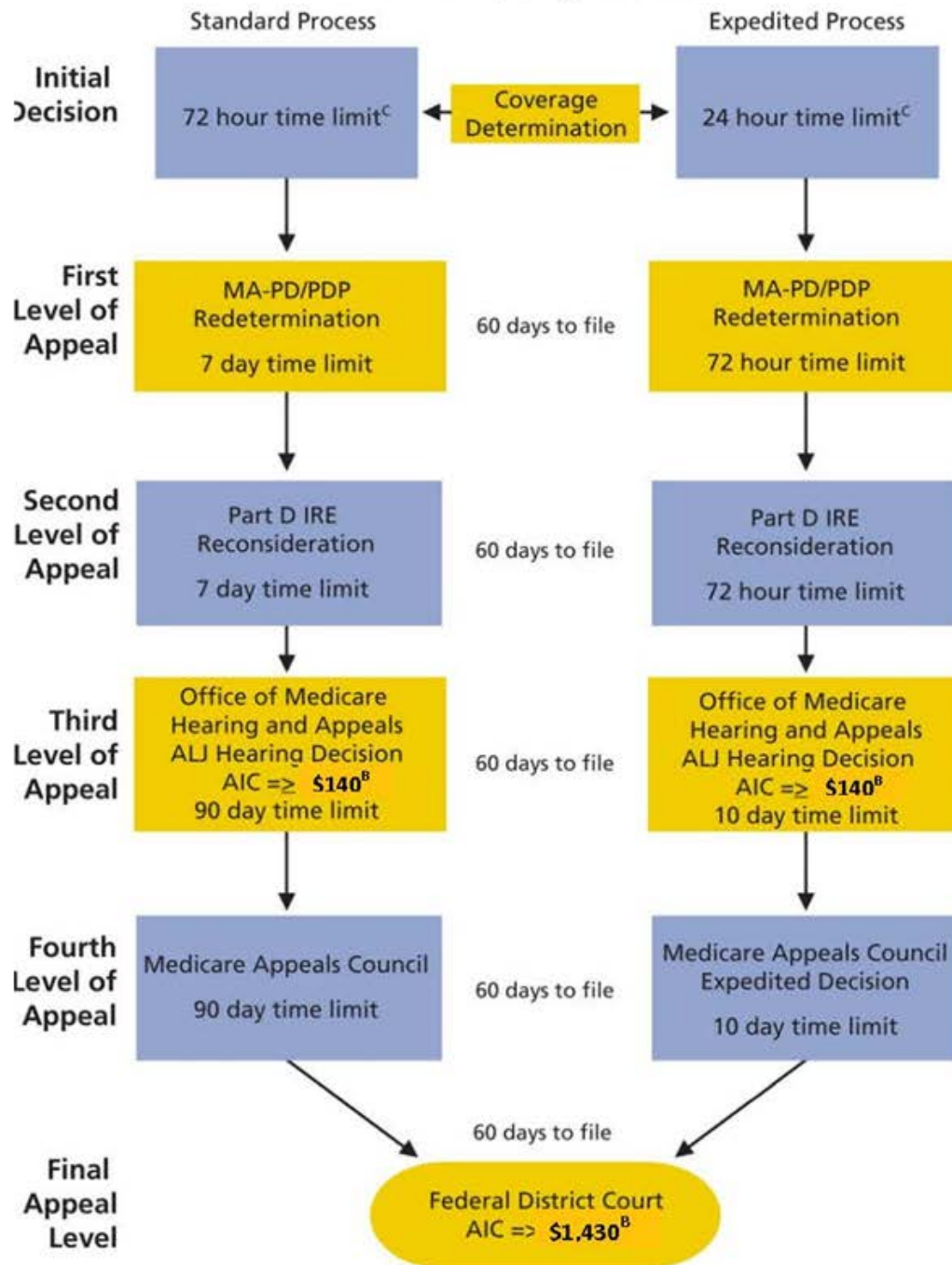
Part C (MA) Process



AIC = Amount in Controversy MA-PD = Medicare Advantage Prescription Drug Plans must process 95% of all covered claims for most-of-network providers within 30 days. All other claims must be processed within 60 days. ALJ = Administrative Law Judge
 MMA = Medicare Prescription Drug, B. The AIC requirement for all ALJ hearing and Federal District Court is adjusted as early as possible with the medical case component of the Consumer Price Index. The chart reflects the CY2014 AIC amounts.
 Contractor = Fiscal Intermediary, Contracting Agreement & Medicare Administrative Contract (MAC) PDP = Prescription Drug Plan of the enrollee's physician. The adjudication timeframes generally begin when the request is received by the plan sponsor. However, if the request involves an exception request, the adjudication time frame begins IRE = Independent Review Entity QIC = Qualified Independent Contractor when the plan sponsor receives the physician's supporting statement.

Appendix C

Part D (Drug) Process



AIC = Amount in Controversy; MA-PD = Medicare Advantage Prescription Drug; Plans must process 95% of all drug claims for most of network providers within 30 days. All other claims must be processed within 60 days. ALJ = Administrative Law Judge; MMA = Medicare Prescription Drug, B. The AIC requirement for all ALJ hearing and Federal District Court is adjusted annually in accordance with the medical cost component of the Consumer Price Index. The chart reflects the CY2014 AIC amounts. Contractual = fiscal intermediary, Carrier or Employment & Modernization Act of 2003 C. A request for a coverage determination includes a request for a formulary exception or a formulary exception. A request for a coverage determination may be filed by the enrollee, the enrollee's appointed representative, Medicare Administrative Contractor (MAC) PDP = Prescription Drug Plan on the enrollee's physician. The adjudication timeframe generally begins when the request is received by the plan sponsor. However, if the request involves an exception request, the adjudication timeframe begins IRE = Independent Review Entity; QIC = Qualified Independent Contractor when the plan sponsor receives the physician's supporting statement.

Appendix D

A. Notifier:

B. Patient Name:

C. Identification Number:

Advance Beneficiary Notice of Noncoverage (ABN)

NOTE: If Medicare doesn't pay for D. _____ below, you may have to pay.

Medicare does not pay for everything, even some care that you or your health care provider have good reason to think you need. We expect Medicare may not pay for the D. _____ below.

D.	E. Reason Medicare May Not Pay:	F. Estimated Cost

WHAT YOU NEED TO DO NOW:

- Read this notice, so you can make an informed decision about your care.
- Ask us any questions that you may have after you finish reading.
- Choose an option below about whether to receive the D. _____ listed above.

Note: If you choose Option 1 or 2, we may help you to use any other insurance that you might have, but Medicare cannot require us to do this.

G. OPTIONS: Check only one box. We cannot choose a box for you.

- ☐ **OPTION 1.** I want the D. _____ listed above. You may ask to be paid now, but I also want Medicare billed for an official decision on payment, which is sent to me on a Medicare Summary Notice (MSN). I understand that if Medicare doesn't pay, I am responsible for payment, but I **can appeal to Medicare** by following the directions on the MSN. If Medicare does pay, you will refund any payments I made to you, less co-pays or deductibles.
- ☐ **OPTION 2.** I want the D. _____ listed above, but do not bill Medicare. You may ask to be paid now as I am responsible for payment. I **cannot appeal if Medicare is not billed.**
- ☐ **OPTION 3.** I don't want the D. _____ listed above. I understand with this choice I **am not responsible for payment, and I cannot appeal to see if Medicare would pay.**

H. Additional Information:

This notice gives our opinion, not an official Medicare decision. If you have other questions on this notice or Medicare billing, call **1-800-MEDICARE** (1-800-633-4227/TTY: 1-877-486-2048).

Signing below means that you have received and understand this notice. You also receive a copy.

I. Signature:

J. Date:

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0566. The time required to complete this information collection is estimated to average 7 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Baltimore, Maryland 21244-1850.

Form CMS-R-131 (03/11)

Form Approved OMB No. 0938-0566



Check Your Knowledge Answer Key

Question 1 (page 10)

All people with Medicare have the right to be protected from discrimination based on race, color, national origin, disability, age, sex and which of the following?

Answer: a

a. Religion. All people with Medicare have the right to be treated with dignity and respect at all times. Discrimination is against the law. Every company or agency that works with Medicare must obey the law, and can't treat you differently because of your

- Race, color, or national origin
- Disability
- Age
- Religion
- Sex

Question 2 (page 11)

An appeal and a grievance are the same thing.

Answer: b

b. False. People with Medicare have the right to file an appeal or a grievance, but they aren't the same thing. An appeal is a process used if you disagree with a decision about your health care payment, coverage of services, and prescription drug coverage.

A grievance is a formal complaint about the services you got, other concerns or problems you have in getting health care, and the quality of the health care you received.

Question 3 (page 20)

The Advance Beneficiary Notice of Non-coverage (ABN) is required to be used by all providers for all non-covered Original Medicare Services.

Answer: b

b. False. Doctors and suppliers aren't required to give you an ABN for services Medicare never covers, (i.e., excluded under Medicare law), such as routine eye exams, dental services, hearing aids, and routine foot care, although they may voluntarily give you an ABN for items and services excluded by Medicare as a courtesy.

Question 4 (page 25)

If you join a Medicare Advantage (MA) Plan, you have fewer rights than in Original Medicare when making an appeal.

Answer: b

b. False. If you join a Medicare Health Plan like an MA Plan, although the appeals process is a little different, you still have all of the rights, privileges, and protections that are afforded to you in Original Medicare. You still have the same rights to file appeals and grievances.

Question 5 (page 41)

A drug plan must respond to a standard coverage determination request for medication within

Answer: b

b. 72 hours. Plans must provide a notice at the pharmacy counter whenever a prescription isn't filled as written, and plans must provide a notice after every coverage determination.

A plan must give you its coverage determination decision as quickly as your health condition requires. After getting your request, the plan must give you its decision no later than 72 hours for a standard determination, or 24 hours for an expedited determination. If your coverage determination request involves an exception, the time clock starts when the plan gets your doctor's supporting statement.

Question 6 (page 46)

The "Important Message From Medicare" is an optional notice provided to a person with Medicare who is admitted to the hospital at the hospital's discretion.

Answer: b

b. False. The "Important Message From Medicare" is a required notice you receive after being admitted to the hospital. This notice is signed by you, and a copy is provided to you explaining your rights to

- Get all medically-necessary hospital services
- Be involved in any decision(s)
- Get services you need after you leave the hospital
- Appeal discharge decision and steps for appealing decision
- Circumstances in which your hospital services may be paid for during the appeal

Question 7 (page 55)

Medicare may disclose your medical information at will, in whole or part, for any purpose.

Answer: b

b. False. By law, Medicare must have your written permission (an “authorization”) to use or give out your personal medical information for any purpose that isn’t set out in the “Notice of Privacy Practices for Original Medicare.” You may take back (“revoke”) your written permission at any time, except if Medicare has already acted based on your permission.

Medicare may use and give out your personal medical information to pay for your health care and to operate the Medicare program.

Medicare contractors use your personal medical information to pay or deny your claims, to collect your premiums, to share your benefit payment with your other insurer(s), and to prepare your Medicare Summary Notice.

Medicare may use your personal medical information to make sure you and other people with Medicare get quality health care, to provide customer services to you, or to resolve any complaints you have, or to contact you about research studies.

Question 8 (page 60)

A living will is a legal document used to name the person you wish to make health care decisions for you if you aren’t able to make them yourself.

Answer: b

b. False. A living will is a way to make sure your voice is heard. It states which medical treatment you would accept or refuse if your life is threatened. For example, dialysis for kidney failure, a breathing machine if you can’t breathe on your own, cardiopulmonary resuscitation if your heart and breathing stop, or tube feeding if you can no longer eat.

A health care proxy, sometimes called a durable power of attorney for health care, is used to name the person you wish to make health care decisions for you if you aren’t able to make them yourself. Having a health care proxy is important because if you suddenly aren’t able to make your own health care decisions, someone you trust will be able to make these decisions for you.

Acronyms

ABN	Advance Beneficiary Notice of Non-coverage
AIDS	Acquired Immune Deficiency Syndrome
ALJ	Administrative Law Judge
CMS	Centers for Medicare & Medicaid Services
CHIP	Children's Health Insurance Program
ESRD	End-Stage Renal Disease
HIV	Human Immunodeficiency Virus
IRE	Independent Review Entity
MA	Medicare Advantage
MAC	Medicare Appeals Council
MSN	Medicare Summary Notice
NTP	National Training Program
OCR	Office for Civil Rights
PHI	Personal Health Information
QIC	Qualified Independent Contractor
QIO	Quality Improvement Organization
SHIP	State Health Insurance Assistance Program
TTY	Teletypewriter

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Website: cms.gov/outreach-and-education/training/cmsnationaltrainingprogram

Email: training@cms.hhs.gov

Centers for Medicare & Medicaid Services

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Baltimore, MD 21244